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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,186

01/21/2004

Kia Silverbrook

RRA31US

2107

24011

7590

08/08/2006

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

EXAMINER

GARCIA JR, RENE

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,186

Applicant(s)

SILVERBROOK, KIA

Examiner

Rene Garcia, Jr.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 July 2006 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 9 “eachother” space required between two words; line 7 “configured to disengage in response to a predetermined level of operative force is applied across said portions” grammatical structure improper (see also claim 5). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (US 2002/0171718).

Park discloses the following claimed limitations:

*regarding claim 1, printing fluid dispenser/**ink refiller**, 1/ (fig. 1)including:

*housing comprising first/**case, 10/** and second/**piston, 40/** portions (figs. 1 & 8; paragraph 0031) movable relative to each other

*reservoir/**ink chamber, (c)/** (fig. 1; paragraph 0031) of printing fluid responsive to relative motion of the first/**10/** and second/**40/** portions and having an outlet/**hole, 12/** (fig. 1; paragraph 0029) arranged to convey the printing fluid to a point external to the housing

*first and second portions having complementary features/**hole, 44; locking plate, 32; plate, 43; gap, 33/** (fig. 1, 4c, 5a, 5d and 8; paragraph 0031) that mate together to prevent motion of said portions relative to each other (when turned such that locking plate/32/ will not pass thru hole/44/), the complementary features configured to disengage in response to a predetermined level of operative force is applied across said portions (when cap is turned as illustrated in fig. 7e and steps detailed in paragraph 0033) after which substantially less operative force (injection spring/42/ acts to compress pulling cylinder downwards, less force required by user) is necessary to move the portions relative to each other

*regarding claim 3, first and second portions comprise a base/**case, 10/** and plunger/**piston, 40/** (fig. 1 and 8; paragraph 0031)

*regarding claim 4, complementary features comprise one or more complementary protrusions/**hole, 44; locking plate, 32; plate, 43; gap, 33/** (fig. 1, 4c, 5a, 5d and 8; paragraph 0031) formed into opposing wall of the base/**10/** and plunger/**40/**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 2002/0171718) in view of Yuen (US 2004/0055661).

Park discloses the following claimed limitations:

*regarding claim 2, reservoir comprises a container/**ink chamber, (c)**/ (fig. 1; paragraph 0031) located within the housing and wherein bringing the first and second portions towards each other causes compression of said container (paragraph 0033)

*regarding claim 5, as presented above with regards to claims 1 and 3

Park does not disclose the following claimed limitations:

*regarding claims 2 and 5, container is deformable located within the housing

Yuen discloses the following:

*regarding claims 2 and 5, container is deformable/**ink pouch, 16**/ (paragraph 0047 & 0048) for the purpose of permitting ink pouch to be essentially flattened to force ink into cartridge

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a deformable container located within the housing as taught by

Yuen into Park for the purpose of permitting ink pouch to be essentially flattened to force ink into cartridge.

Response to Arguments

7. Applicant's arguments, see Submissions section page 3, filed 03 July 2006, with respect to the rejection(s) of claim(s) 1 and 5 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Park (US 2002/0171718) and in combination of Yuen (US 2004/0055661). Park teaches the complementary features used to prevention inadvertent dispensing of fluid as shown in figures 1 and 4c.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scheffelin (US 5,673,072) teaches a refill system using a cylinder and piston structure including complementary features (port 47, stops 33,34 and dents 32) as shown in figure 2 and 7-10 to aid in filling of an ink cartridge.


Communications with the USPTO

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Rene Garcia Jr
08/02


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER